

## REMARKS

The Office Action dated January 8, 2009 has been received and carefully studied.

The Examiner requires restriction to one of the nine Groups set forth on pages 2-3 of the Office Action. Applicants hereby elect Group II, claims 2-4, with traverse.

The requirement for restriction contains clear errors. The Examiner asserts that Davis-Gillian (US 5,861,931) teaches the claimed retardation element. However, Davis-Gillian (US 5,861,931) does not disclose the invention claimed in the present claim 1.

The present claim 1 reads as follows:

1. A retardation element characterized in that a liquid crystalline or non liquid crystalline polymer thin film layer having photoactive groups, subjected to photo orientation treatment is formed on a substrate, and a birefringence layer oriented in a micropattern form is formed so as to contact with said polymer thin film layer.

The special technical features of the present invention is the combined use of a thin film layer of the polymer having photoactive groups treated by light for orientation and a birefringence layer oriented in a micro pattern form on the thin film layer for a retardation element.

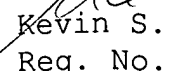
Davis-Gillian (US 5,861,931) discloses a patterned polarization-rotating optical element including "a layer of birefringent material having a thickness  $d$  and birefringence  $\Delta n$ , . . .". However, Davis-Gillian does not teach the combined use of a thin film layer of a polymer having photoactive groups and a birefringent layer on the thin film layer.

Davis-Gillian discloses a rubbed polyamide layer 15 (Fig. 4). However, the polyamide does not have photoactive groups (for example, the photoactive groups described in page 14, line 26 to page 16, line 21 of the present specification).

It is clear from the foregoing that Davis-Gillian (US 5,861,931) does not teach the special technical features of the present claims and the special technical features are common through all claims of the present application. Accordingly, all claims which contain a reference to the combined use of a thin film layer of the polymer having photoactive groups treated by light for orientation and a birefringence layer oriented in a micro pattern form on the thin film layer for a retardation element do contain the technical features which defines the common inventive concept in accordance with PCT rules 13.1 and 13.2.

Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested in view of the foregoing.

Respectfully submitted,

  
Kevin S. Lemack  
Reg. No. 32,579  
176 E. Main Street - Suite 5  
Westboro, Massachusetts 01581  
TEL: (508) 898-1818